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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/721,372	Applicant(s) ISLAM ET AL.	
	Examiner ANISH SIKRI	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 points to computer readable medium and the applicant fails to disclose a specific computer readable medium in the specification and is therefore considered vague and indefinite.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13, 23 of the invention is directed to non-statutory subject matter. The claims are directed towards software-per se. Support can be found in Paragraph 81 of the specification. In paragraph 81, it shows that the computer readable medium can use the Java programming language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 9-10, 13-15, 17, 23-24, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciscon et al (US Pub 2002/0004827), in view of Smith et al (US Pub 2004/0181476).

Consider Claim 1, Ciscon et al disclosed a carrier virtual network interface system to allow an accessing telecommunication network managed by a network management system to indirectly manage the layer one resources dedicated to a carrier virtual network (Ciscon et al, Fig 5A-B, [0014], [0038], Ciscon disclosed that the network is a multi-layered, and is following the OSI reference model as the basis for its network design, and how it manages its resources), the layer one resources dedicated to the carrier virtual network being directly managed by the network management system of each of at least one dedicating telecommunication network, the interface system comprising (Ciscon et al, [0050], [0057], Ciscon disclosed on how it manages its layer 1 resources like fiber line etc):

a dedicating network interpretation layer that interfaces with the network management system of a dedicating telecommunication network (Ciscon et al, Fig 4, [0050], Ciscon disclosed that the control system interfaces with the communication resources, as allowing connections between fiber lines, etc), the dedicating network interpretation layer converting network information regarding layer one resources dedicated to the carrier virtual network from the dedicating telecommunication network to messages for

transmission to the network management system of the accessing telecommunication network (Ciscon et al, [0057]-[0058], Ciscon et al disclosed on how the network management manages layer 1 resources, as the network monitor focuses on each OSI layer which corresponds to the network components), wherein the dedicated layer one resources of the dedicating telecommunication network are freely accessible to the accessing telecommunication network such that the network management system of the accessing telecommunication network can provision the dedicated layer one resources as if part of the accessing telecommunication network (Ciscon et al, [0086], Ciscon et al disclosed on how it can access resources/layer-1 devices across different networks, as Ciscon et al's network controller may create network provisioning by addition of an additional circuit or path, which is layer-1 resource/device); and a communication layer that transmits messages from the dedicating network interpretation layer to the accessing network interpretation layer and from the accessing network interpretation layer to the dedicating network interpretation layer (Ciscon et al, [0038], [0041], Ciscon et al disclosed on how the information is transmitted between the OSI model components of the network).

Ciscon et al does not explicitly state the use of converting messages from the network management system of the accessing telecommunication network to network instructions for use by the network management system of the dedicating telecommunication network and the accessing network interpretation layer converting messages received from the network management system of the dedicating telecommunication network to network information for use by the network management

system of the accessing telecommunication network and converting network instructions from the network management system of the accessing telecommunication network to messages for transmission to the network management system of each of the at least one dedicating telecommunication networks.

Nonetheless, Smith et al disclosed converting messages (Smith et al, [0039], Smith et al disclosed that the communication between the clients and the servers etc may be achieved by the use of messages) from the network management system (Smith et al, [0021], Smith also disclosed the use of network management system) of the accessing telecommunication network to network instructions for use by the network management system (Smith et al, [0021]) of the dedicating telecommunication network (Smith et al, [0039], Smith et al also disclosed the telecommunication network) and the accessing network interpretation layer converting messages (Smith et al, [0039], Smith et al disclosed that the communication between the clients and the servers etc may be achieved by the use of messages) received from the network management system (Smith et al, [0021]) of the dedicating telecommunication network to network information for use by the network management system (Smith et al, [0021]) of the accessing telecommunication network and converting network instructions from the network management system of the accessing telecommunication network to messages (Smith et al, [0039]) for transmission to the network management system of each of the at least one dedicating telecommunication networks (Smith et al, [0039]).

Both Ciscen et al and Smith et al provide features related to communication in the network with the use of a network management system. Therefore one of ordinary

skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of message conversion/transmission taught by Smith et al, in the system of Ciscon et al for the purpose of transmitting information related to resources (based on layer-1, etc) to the network management system.

Consider Claim 2, Ciscon-Smith et al disclosed the carrier virtual network interface of claim 1, further comprising: a second dedicated network interpretation layer that interfaces with the network management system of a second dedicating telecommunication network (Ciscon et al, [0038], [0041], Ciscon et al disclosed the use of second network, as a geographical distributed location on the network), the second dedicated network interpretation layer converting network information regarding layer one resources dedicated to the carrier virtual network from the second dedicating telecommunication network (Ciscon et al, [0038], [0041], Ciscon et al disclosed the WAN of multiple geographically locations, and a WAN can include multiple networks) to messages for transmission to the network management system of the accessing telecommunication network and converting messages (Smith et al, Pg3, [0039], Smith et al disclosed that the communication between the clients and the servers etc may be achieved by the use of messages) from the network management system of the accessing telecommunication network to network instructions for use by the network

management system of the second dedicating telecommunication network (Ciscon et al, Fig 4, [0041], [0050], Ciscon et al disclosed the different parts of the network as in WAN of multiple geographically locations, which can consist multiple of networks, and how it can recognize the communication resources available to it. The network management system can combine information/resources from other layers). Therefore, the combination of Ciscon-Smith allows the network management system to manage network resources across second or more networks.

Consider Claim 3, Ciscon-Smith et al disclosed the carrier virtual network interface of claim 1, wherein: the dedicated network interpretation layer (Ciscon et al, [0038], [0041]) and the accessing network interpretation layer (Ciscon et al, [0038], [0041]) and the communication of network information into XML messages (Smith et al, [0039]).

Consider Claim 4, Ciscon-Smith et al disclosed the carrier virtual network interface of claim 2, wherein:
the dedicated network interpretation layer (Ciscon et al [0041]) converts network information to XML messages (Smith et al, Pg3, [0039]); the second dedicated network interpretation layer (Ciscon et al [0041], Ciscon disclosed that the communication can occur at all OSI layers, and interpretation layer is part of the OSI layers) converts network information to XML messages (Smith et al, [0039]); and the accessing network

interpretation layer (Ciscon et al, [0038], [0041]) converts network instructions to XML messages (Smith et al, [0039]). See motivation of Claim 2

Consider Claim 9, Ciscon-Smith et al discloses the carrier virtual network interface of claim 1, wherein the communication layer (Ciscon et al, Pg 3, [0038], Pg 3, [0041], Pg 3, [0013], Pg 2, [0014]), the communication of network information into messages transmitted via JMS protocol (Smith et al, Pg 3, [0039])

Consider Claim 10, Ciscon et al, as modified by Smith et al discloses the carrier virtual network interface of claim 2, wherein the communication layer (Ciscon et al, Pg [0041], Ciscon disclosed that interface can carry communications to all the layers of the OSI model, and communication layer is part of the OSI layers), the communication of network information into messages transmitted via JMS protocol (Smith et al, [0039], Smith et al disclosed the use of JMS protocol for communication).

Claim 13, has similar limitations as of Claim 1, therefore it is rejected under the same rational as Claim 1.

Consider Claim 1, Ciscon et al disclosed a carrier virtual network interface system to allow an accessing telecommunication network managed by a network management system to indirectly manage the layer one resources dedicated to a carrier virtual network (Ciscon et al, Fig 5A-B, [0014], [0038], Ciscon disclosed that the network

is a multi-layered, and is following the OSI reference model as the basis for its network design, and how it manages its resources), the layer one resources dedicated to the carrier virtual network being directly managed by the network management system of each of at least one dedicating telecommunication network, the interface system comprising (Ciscon et al, [0050], [0057], Ciscon disclosed on how it manages its layer 1 resources like fiber line etc):

a dedicating network interpretation layer that interfaces with the network management system of a dedicating telecommunication network (Ciscon et al, Fig 4, [0050], Ciscon disclosed that the control system interfaces with the communication resources, as allowing connections between fiber lines, etc), the dedicating network interpretation layer converting network information regarding layer one resources dedicated to the carrier virtual network from the dedicating telecommunication network to messages for transmission to the network management system of the accessing telecommunication network (Ciscon et al, [0057]-[0058], Ciscon et al disclosed on how the network management manages layer 1 resources, as the network monitor focuses on each OSI layer which corresponds to the network components), wherein the dedicated layer one resources of the dedicating telecommunication network are freely accessible to the accessing telecommunication network such that the network management system of the accessing telecommunication network can provision the dedicated layer one resources as if part of the accessing telecommunication network (Ciscon et al, [0086], Ciscon et al disclosed on how it can access resources/layer-1 devices across different networks, as Ciscon et al's network controller may create network provisioning by addition of an

additional circuit or path, which is layer-1 resource/device); and
a communication layer that transmits messages from the dedicating network interpretation layer to the accessing network interpretation layer and from the accessing network interpretation layer to the dedicating network interpretation layer (Ciscon et al, [0038], [0041], Ciscon et al disclosed on how the information is transmitted between the OSI model components of the network).

Ciscon et al does not explicitly state the use of converting messages from the network management system of the accessing telecommunication network to network instructions for use by the network management system of the dedicating telecommunication network and the accessing network interpretation layer converting messages received from the network management system of the dedicating telecommunication network to network information for use by the network management system of the accessing telecommunication network and converting network instructions from the network management system of the accessing telecommunication network to messages for transmission to the network management system of each of the at least one dedicating telecommunication networks.

Nonetheless, Smith et al disclosed converting messages (Smith et al, [0039], Smith et al disclosed that the communication between the clients and the servers etc may be achieved by the use of messages) from the network management system (Smith et al, [0021], Smith also disclosed the use of network management system) of the accessing telecommunication network to network instructions for use by the network management system (Smith et al, [0021]) of the dedicating telecommunication network

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(Smith et al, [0039], Smith et al also disclosed the telecommunication network) and the accessing network interpretation layer converting messages (Smith et al, [0039], Smith et al disclosed that the communication between the clients and the servers etc may be achieved by the use of messages) received from the network management system (Smith et al, [0021]) of the dedicating telecommunication network to network information for use by the network management system (Smith et al, [0021]) of the accessing telecommunication network and converting network instructions from the network management system of the accessing telecommunication network to messages (Smith et al, [0039]) for transmission to the network management system of each of the at least one dedicating telecommunication networks (Smith et al, [0039]).

Both Ciscen et al and Smith et al provide features related to communication in the network with the use of a network management system. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of message conversion/transmission taught by Smith et al, in the system of Ciscen et al for the purpose of transmitting information related to resources (based on layer-1, etc) to the network management system.

13. Ciscn et al disclosed the carrier virtual network interface system to allow an accessing telecommunication network managed by a network management system to indirectly manage the layer one resources dedicated to a carrier virtual network (Ciscn et al, Fig 5A-B, [0014], [0038], Ciscn disclosed that the network is a multi-layered, and is following the OSI reference model as the basis for its network design, and how it manages its resources), the layer one resources dedicated to the carrier virtual network being directly managed by the network management system of each of at least one dedicating telecommunication network (Ciscn et al, [0050], [0057], Ciscn disclosed on how it manages its layer 1 resources like fiber line etc), the interface system comprising: a dedicating network business layer (Ciscn et al, [0038], [0041], Ciscn et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Ciscn discloses on how it communicates between all the layers), the dedication network business layer transmitting signals between the network management system of the dedicating telecommunication network and the layer one resources of the dedicating telecommunication network (Ciscn et al, [0038], [0041], Ciscn et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Ciscn discloses on how it communicates between all the layers, Ciscn et al, [0050], [0057], disclosed that the resources can be of layer 1 design), the signals transmitted over the dedicating network business layer permitting the network management system of the dedicating telecommunication network to directly manage the layer one resources of the

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dedicating telecommunication network (Ciscon et al, [0038], [0041], Ciscon et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Ciscon disclosed on how it communicates between all the layers, and the network business layer is a part of the OSI reference model, , Ciscon et al, [0050], [0057], disclosed that the resources can be of layer 1 design); an accessing network business layer (Ciscon et al, [0038], [0041], Ciscon et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Ciscon disclosed on how it communicates between all the layers, and accessing network business layer is part of the OSI reference model), the accessing network business layer transmitting signals between the network management system of the accessing telecommunication network and the layer one resources of the accessing telecommunication network (Ciscon et al, [0038], [0041], Ciscon et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Ciscon discloses on how it communicates between all the layers, Ciscon et al, [0050], [0057], disclosed that the resources can be of layer 1 design), the signals transmitted over the accessing network business layer permitting the network management system of the accessing telecommunication network to directly manage the layer one resources of the accessing telecommunication network (Ciscon et al, [0038], [0041], Ciscon et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Ciscon discloses on how it

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communicates between all the layers, and accessing network business layer is part of the OSI reference model, Cisco et al, [0050], [0057], disclosed that the resources can be of layer 1 design); a dedicating network interpretation layer (Cisco et al, [0038], [0041], Cisco et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Cisco discloses on how it communicates between all the layers, and a network interpretation layer is part of the OSI reference model); an accessing network interpretation layer (Cisco et al, [0038], [0041], Cisco et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Cisco discloses on how it communicates between all the layers, and the network interpretation layer is part of the OSI reference model); and

the network management system of the accessing telecommunication network issuing network instructions intended for the layer one resources of the dedicating telecommunication network (Cisco et al, [0038], [0041], Cisco et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Cisco discloses on how it communicates between all the layers), the network instructions being directed to the accessing network interpretation layer; received from the communication layer to network instructions for transmission over the dedicating network business layer (Cisco et al, [0038], [0041], Cisco et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Cisco discloses on how it communicates between all the layers),

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the accessing network interpretation layer directing the network instructions to the layer one resources of the dedicating telecommunication network dedicated to the carrier virtual network (Ciscon et al, [0038], [0041], Ciscon et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Ciscon discloses on how it communicates between all the layers); the layer one resources of the dedicating telecommunication network transmitting network information over the dedicating network business layer to the dedicating network interpretation layer (Ciscon et al, [0038], [0041], Ciscon et al disclosed that the each layer of the network can be interfaced and monitored with, and these layers are part of the OSI layer reference model, and Ciscon discloses on how it communicates between all the layers); the management system of the accessing telecommunication network receives network information regarding the layer one resources of the dedicating telecommunication network dedicated to the carrier virtual network from the accessing network translation layer, wherein the dedicated layer one resources of the dedicating telecommunication network are freely accessible to the accessing telecommunication network such that the management system of the accessing telecommunication network can provision the dedicated layer one resources as if part of the accessing telecommunication network (Ciscon et al, [0086], Ciscon et al disclosed on how it can access resources/layer-1 devices across different networks, as Ciscon et al's network controller may create network provisioning by addition of an additional circuit or path, which is layer-1 resource/device).

But Ciscn et al does not explicitly state the a communication layer, the communication layer transmitting messages having a predetermined format between the (dedicating network interpretation layer, accessing network interpretation layer, the communication layer, dedicating network interpretation layer, and the accessing network interpretation layer, whereby the network management system of the accessing telecommunication network indirectly manages the layer one resources of the dedicating telecommunication network dedicated to the carrier virtual network by:

Nonetheless, Smith et al disclosed converting messages (Smith et al, [0039], Smith et al disclosed that the communication between the clients and the servers/network layers etc may be achieved by the use of messages) from the network management system (Smith et al, [0021], Smith also disclosed the use of network management system) of the accessing telecommunication network to network instructions for use by the network management system (Smith et al, [0021]) of the dedicating telecommunication network (Smith et al, [0039], Smith et al also disclosed the telecommunication network) and the accessing network interpretation layer converting messages (Smith et al, [0039], Smith et al disclosed that the communication between the clients and the servers etc may be achieved by the use of messages) received from the network management system (Smith et al, [0021]) of the dedicating telecommunication network to network information for use by the network management system (Smith et al, [0021]) of the accessing telecommunication network and converting network instructions from the network management system of the accessing telecommunication network to messages (Smith et al, [0039]) for transmission to the

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network management system of each of the at least one dedicating telecommunication networks (Smith et al, [0039]).

Both Ciscen et al and Smith et al provide features related to communication in the network with the use of a network management system. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of message conversion/transmission among all the layers of the network taught by Smith et al, in the system of Ciscen et al for the purpose of transmitting information related to resources (based on layer-1, etc) to the network management system.

Claim 14, has similar limitations as of Claim 13, therefore it is rejected under the same rational as Claim 13.

Claim 15, has similar limitations as of Claim 4, therefore it is rejected under the same rational as Claim 4.

Claim 17, has similar limitations as of Claim 9, therefore it is rejected under the same rational as Claim 9.

Claim 23, has similar limitations as of Claim 1, therefore it is rejected under the same rational as Claim 1.

Claim 24, has similar limitations as of Claim 3, therefore it is rejected under the same rational as Claim 3.

Claim 26, has similar limitations as of Claim 9, therefore it is rejected under the same rational as Claim 9.

Claims 5, 6, 11-12, 18-19, 21-22, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciscn et al (US Pub 2002/0004827), in view of Smith et al (US Pub 2004/0181476), in further view of Randle et al (US Pub 2006/0248205).

Consider Claim 5, Ciscn et al-Smith et al disclosed the carrier virtual network interface of claim 1, wherein: the dedicated network interpretation layer (Ciscn et al, [0014], as the network monitor is adapted to at least one OSI reference model of the network); and the accessing network interpretation layer (Ciscn et al,[0038], [0014]).

Ciscn-Smith et al did not disclose the use of conversion of network information into ASCII text messages.

Nonetheless, Randle et al, disclosed the use of conversion of network information into ASCII text messages (Randle et al, Pg 8, [0087]).

Both Ciscon-Smith et al and Randle et al provide features related to communication in the network with the use of a network management system. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to allow the use of transmitting and converting of messages into ASCII text, taught by Randle et al, for the purpose of integrating the XML message feature to network interface device/network management system, in the invention taught by Ciscon-Smith et al, for the purpose of facilitating communication between nodes/systems in the networks.

Consider Claim 6, Ciscon-Smith et al disclosed the carrier virtual network interface of claim 2, wherein:
the dedicated network interpretation layer (Ciscon et al, [0014], as the network monitor is adapted to at least one OSI reference model of the network of the second dedicated network interpretation layer).

Ciscon-Smith et al did not disclose the use of conversion of network information into ASCII text messages.

Nonetheless, Randle et al, discloses the use of conversion of network information into ASCII text messages (Randle et al, Pg 8, [0087]).

Both Ciscon-Smith et al and Randle et al provide features related to communication in the network with the use of a network management system.

Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to allow the use of transmitting and converting of messages into ASCII text, taught by Randle et al, for the purpose of integrating the XML message feature to network interface device/network management system, in the invention taught by Ciscon-Smith et al, for the purpose of facilitating communication between nodes/systems in the networks.

Consider Claim 11, Ciscon-Smith et al disclosed the carrier virtual network interface of claim 1, wherein the communication layer (Ciscon et al [0014], as the network monitor is adapted to at least one OSI reference model of the network of the second dedicated communication layer).

Ciscon-Smith et al did not disclose the use of telnet protocol for messaging.

Nonetheless, Randle et al disclosed the communication of network information into messages transmitted via Telnet protocol (Randle et al, Pg 8, [0087]).

Both Ciscon-Smith et al and Randle et al provide features related to communication in the network with the use of a network management system.

Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to allow the use of transmitting and converting of

messages into using Telnet protocol, taught by Randle et al, for the purpose of integrating the use of Telnet protocol to send the messages into network interface device/network management system, in the invention taught by Ciscon et al, in view of Smith et al, for the purpose of facilitating communication between nodes/systems in the networks.

Consider Claim 12, Ciscon-Smith et al disclosed the carrier virtual network interface of claim 2, wherein the communication layer (Ciscon et al, [0014], as the network monitor is adapted to at least one OSI reference model of the network of the second dedicated communication layer).

Ciscon-Smith et al did not disclose the use of telnet protocol for messaging.

Nonetheless, Randle et al disclosed the communication of network information into messages transmitted via Telnet protocol (Randle et al, Pg 8, [0087]).

Both Ciscon-Smith et al and Randle et al provide features related to communication in the network with the use of a network management system. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to allow the use of transmitting and converting of messages into using Telnet protocol, taught by Randle et al, for the purpose of integrating the use of Telnet protocol to send the messages into network interface

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device/network management system, in the invention taught by Cisccon-Smith et al, for the purpose of facilitating communication between nodes/systems in the networks.

Claim 18, has similar limitations as Claim 11, therefore it is rejected under the same rationale as Claim 11.

Claim 19, has similar limitations as Claim 5, therefore it is rejected under the same rationale as Claim 5.

Claim 21, has similar limitations as Claim 9, therefore it is rejected under the same rationale as Claim 9.

Claim 22, has similar limitations as Claim 11, therefore it is rejected under the same rationale as Claim 11.

Claim 27, has similar limitations as Claim 11, therefore it is rejected under the same rationale as Claim 11.

Claim 28, has similar limitations as Claim 6, therefore it is rejected under the same rationale as Claim 6.

Claims 7-8, 16, 20, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciscón et al (US Pub 2002/004827), in view of Smith et al (US Pub 2004/0181476), in further view of Battou (US Pub 2002/0174207).

Consider Claim 7, Ciscón-Smith et al clearly disclosed the carrier virtual network interface of claim 1, wherein the communication layer (Ciscón et al [0038] [0041]) transmits messages.

Ciscón et al-Smith et al did not disclose the use of CORBA protocol for messaging.

Nonetheless, Battou clearly disclosed the communication of network information into messages transmitted via CORBA protocol (Battou, Pg 18, [0276]).

Both Ciscón-Smith et al and Battou provide features related to communication in the network with the use of a network management system. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to allow the use of transmitting and converting of messages into CORBA protocol, taught by Battou, for the purpose of integrating the use of CORBA protocol to send the messages into the network interface device/network

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management system, in the invention taught by Ciscon-Smith et al, for the purpose of facilitating communication between nodes/systems in the networks

Consider Claim 8, Ciscon-Smith et al, disclosed the carrier virtual network interface of claim 2, wherein the communication layer (Ciscon et al, [0014])

Ciscon-Smith et al did not disclose the use of CORBA protocol for messaging.

Nonetheless, Battou clearly discloses the communication of network information into messages transmitted via CORBA protocol (Battou, Pg 18, [0276]).

Both Ciscon-Smith et al and Battou provide features related to communication in the network with the use of a network management system. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to allow the use of transmitting and converting of messages into CORBA protocol, taught by Battou, for the purpose of integrating the use of CORBA protocol to send the messages into the network interface device/network management system, in the invention taught by Ciscon-Smith et al, for the purpose of facilitating communication between nodes/systems in the networks.

Claim 16 has similar limitations as Claim 7; therefore it is rejected under the same rationale as of Claim 7.

Claim 20 has similar limitations as Claim 7; therefore it is rejected under the same rational as of Claim 7.

Claim 25 has similar limitations as Claim 7; therefore it is rejected under the same rational as of Claim 7.

Response to Arguments

Applicant's arguments filed 4/4/2008 have been fully considered but they are not persuasive.

Applicant argues for independent claims 1, 13, 14, and 23 that Ciscon, Smith, Randle or Battou, either alone or combination does not disclose “dedicated layer one resources of a dedicated telecommunication network that are freely accessible to an accessing telecommunication network such that a network management of the accessing telecommunication network can provision the dedicated layer one resources as if part of the accessing telecommunication network”.

Ciscon et al disclosed on how network management of accessing telecommunication networks(s) can manage layer 1 resource (other layers/devices also) and provision the resources as its own network (Fig 1, Fig 4, 5A, [0038], [0041], Ciscon

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et al disclosed for example on how different telecommunications networks across geographically diverse locations can have their layer-1 resources managed easily and provisioned for usage. It shows on how the access can be shared or made for exclusive use only [0050], [0057] in the network). Ciscon et al can manage all of the network layers including their resources across a WAN (multiple networks spread geographically) (Ciscon et al, [0038, [0041]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH SIKRI whose telephone number is 5712701783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Anish Sikri
a.s.

June 4, 2008

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2154